

Before the Board of Zoning Adjustment, D. C.

Application No. 11784 of Nathaniel H. Luttrell, Jr. & Nancy L. Orme, pursuant to Section 8207.2 of the Zoning Regulations for permission to establish a chancery for the use of the Trade Representation of the USSR as provided by Section 3101.410 of the Regulations and the Regulations and the Chancery Act of 1964 at the premises dated at 2001 Connecticut Avenue, N. W., lots 139, 185, 803, Square 2536.

HEARING DATE: October 16, 1974  
DECISION DATE: October 25, 1974

FINDINGS OF FACT:

1. The subject site is one of significant importance to the District of Columbia because of its commanding location dominating the sweep of Connecticut Avenue from the Rock Creek highlands to the central part of the city. The zoning is R-5-C.

2. A handsome stone residence known as the Lothrop Mansion improves this prominent site in very appropriate manner.

3. The architectural design and arrangement of the 1911 existing structure in its present form is in keeping with the character of the neighborhood. The character of the neighborhood as one of the District's "Landmarks of Value Which Contribute to the Cultural Heritage or Visual Beauty and Interest of the District of Columbia and its Environs, and Which Should Be Preserved, If Practicable" has been recognized by the inclusion of this site as an integral part of the "Kalorama Area" on the official map of "Landmarks of the National Capitol Designated by the Joint Committee on Landmarks of the National Capitol as of August 28, 1973."

4. The Sheridan-Kalorama area, represented by the Sheridan-Kalorama Neighborhood Council, bounded by Rock Creek Park, Que Street, 22nd Street, Florida Avenue and Connecticut Avenue, as well as the subject site, located immediately on the east side of Connecticut Avenue from the Sheridan-Kalorama Neighborhood, are both integral parts of the Landmark "Kalorama Area" designated by the Joint Committee on Landmarks; thus the architectural design and arrangement of the subject structure is significant in its effect upon maintaining the character of the Sheridan-Kalorama neighborhood as well as for reasons of noise, traffic and number of persons to be employed at the subject site, and the amount and arrangement of parking places, because of the proximity of the subject site to the Sheridan-Kalorama neighborhood across Connecticut Avenue to the West.

5. The applicant represented to the Board orally at the public hearing and in item III A 3, page 3, of its written "Statement of Applicant" as follows:

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"No exterior changes will be made as a result of this appeal."

6. The Sheridan-Kalorama Neighborhood Council requested that the Board in its order (if the special exception be granted) condition its order pursuant to zoning regulation 3101.410(c) upon a written condition in the order that:

"The existing structure must be preserved with no exterior alterations."

7. No more than 20 persons will be employed in the subject premises.

8. Hours of operation will be from 8:30 to 1:00 and from 2:00 to 6:00.

9. Three staff members will be on duty at all times to insure appropriate and compatible use of the premises.

10. The office will own approximately three automobiles and it is estimated that approximately six more automobiles a day will bring visitors to the office.

11. Thirteen off-street parking places will be provided on the site as required by the Zoning Regulations.

12. The Soviet spokesman could not state whether or not this installation would be removed to the Mt. Alto, Wisconsin Avenue, embassy-chancery enclave of which construction is contemplated in the immediate future.

13. There was evidence that in the event the special exception be granted, the property is to be sold by the present owners to the Soviet Government.

14. The applicant submitted in support of its case the Board's Order of August 16, 1971, in appeal No. 10856, in which 2029 Connecticut Avenue, N. W., Inc., was the appellant. The Board notes with approval that this Order submitted by the applicant in support of its case includes the phrase:

"The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated."

15. The present use of the property is that of a language institute which conducts courses in foreign languages.

16. The Board finds that the proposed use would not be objectionable to nearby and adjoining property by reason of noise and traffic and that the proposed use is compatible with other uses in the neighborhood.

CONCLUSIONS OF LAW:

Based upon the above findings and the record, the Board is of the opinion that the proposed use of the subject property would not be inconsistent with other uses in the neighborhood, and if granted, would not substantially impair the intent of the Zoning Regulations.

ORDERED:

That the above application be GRANTED subject to the following conditions and that the Board's previous order dated December 16, 1974, in this case be and is hereby rescinded.

(1) The existing structure must be preserved with no exterior alterations.

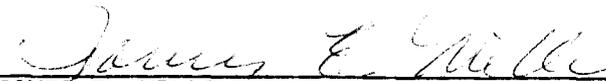
(2) Thirteen off-street parking places shall be provided on the site.

(3) In view of the fact that the proposed use may be removed to the Mt. Alto Soviet installation at some time in the future, or may be changed or ended for other reasons, this order and the special exception granted pursuant to it are further explicitly conditioned to terminate automatically upon the removal of the proposed use from the premises, or upon any substantial alteration of the use within the subject premises.

(4) The Board reserves the right to direct revocation of the occupancy permit, and to terminate the special exception, upon a proper showing that any terms or conditions of this Order have been violated.

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER:

DEC 16 1975

VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting, on the grounds that the proposed use does not come within the definition of a chancery within the meaning of the Chancery Act of 1964, the proposed use involving financial and purchasing activities.)

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT within a period OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D. C.

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3. The architectural design and arrangement of the 1911 existing structure in its present form is in keeping with the character of the neighborhood. The character of the neighborhood as one of the District's "Landmarks of Value Which Contribute to the Cultural Heritage or Visual Beauty and Interest of the District of Columbia and its Environs, and Which Should Be Preserved, If Practicable" has been recognized by the inclusion of this site as an integral part of the "Kalorama Area" on the official map of "Landmarks of the National Capital Designated by the Joint Committee on Landmarks of the National Capital as of August 28, 1973."

4. The Sheridan-Kalorama area, represented by the Sheridan-Kalorama Neighborhood Council, bounded by Rock Creek Park, Que Street, 22nd Street, Florida Avenue and Connecticut Avenue, as well as the subject site, located immediately on the east side of Connecticut Avenue from the Sheridan-Kalorama Neighborhood, are both integral parts of the Landmark "Kalorama Area" designated by the Joint Committee on Landmarks; thus the architectural design and arrangement of the subject structure is significant in its effect upon maintaining the character of the Sheridan-Kalorama neighborhood as well as for reasons of noise, traffic and number of persons to be employed at the subject site, and the amount and arrangement of parking places, because of the proximity of the subject site to the Sheridan-Kalorama neighborhood across Connecticut Avenue to the West.

5. Subject to carefully controlled reciprocal regulation of location and appearance, the Soviet Government and the United States Government are planning new chancery enclaves in Moscow and in Washington. There was evidence that the Soviet Government, following the devastating 900-day siege of Leningrad in World War II, has carefully restored damaged premises to their original appearance.

6. The applicant represented to the Board orally at the public hearing and in item III A 3, page 4, of its written "Statement of Applicants" as follows:

"No exterior changes will be made as a result of this appeal."

7. The Sheridan-Kalorama Neighborhood Council requested that the Board in its order (if the special exception be granted) condition its order pursuant to zoning regulation 3101.410(c) upon a written condition in the order that:

"The existing structure must be preserved with no exterior alterations."

8. No more than 20 persons will be employed in the subject premises.

9. Hours of operation will be from 8:30 to 1:00 and from 2:00 to 6:00.

10. Three staff members will be on duty at all times to insure appropriate and compatible use of the premises.

11. The office will own approximately three automobiles and it is estimated that approximately six more automobiles a day will bring visitors to the office.

12. Thirteen off-street parking places will be provided on the site as required by the Zoning Regulations.

13. The Soviet spokesman could not state whether or not this installation would be removed to the Mt. Alto, Wisconsin Avenue, embassy-chancery enclave of which construction is contemplated in the immediate future.

14. There was evidence that in the event the special exception be granted, the property is to be sold by the present owners to the Soviet Government.

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"The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated."

16. The present use of the property is that of a language institute which conducts courses in foreign languages.

17. The Board finds that the proposed use would not be objectionable to nearby and adjoining property by reason of noise and traffic and that the proposed use is compatible with other uses in the neighborhood.

CONCLUSIONS OF LAW:

Based upon the above findings and the record, the Board is of the opinion that the proposed use of the subject property would not be inconsistent with other uses in the neighborhood, and if granted, would not substantially impair the intent of the Zoning Regulations.

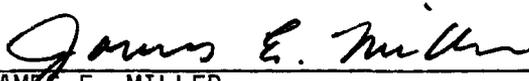
ORDERED:

That the above application be GRANTED subject to the following conditions:

- (1) The existing structure must be preserved with no exterior alterations.
- (2) The number of employees will not exceed 20 persons.
- (3) The hours of operation will be from 8:30 to 1:00 and from 2:00 to 6:00.
- (4) Thirteen off-street parking places shall be provided on the site.
- (5) In view of the fact that the proposed use may be removed to the Mt. Alto Soviet installation at some time in the future, or may be changed or ended for other reasons, this order and the special exception granted pursuant to it are further explicitly conditioned to terminate automatically upon the removal of the proposed use from the premises, or upon any substantial alteration of the use within the subject premises.
- (6) The Board reserves the right to direct revocation of the occupancy permit, and to terminate the special exception, upon a proper showing that any terms or conditions of this Order have been violated.

VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting, on the grounds that the proposed use does not come within the definition of a chancery within the meaning of the Chancery Act of 1964, the proposed use involving financial and purchasing activities.)

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ATTESTED BY:   
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: DEC 16 1974

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Sergey A. Mkrtumov, Minister  
The Trade Representative of the USSR  
in the USA

Zoning Secretariat

James E. Miller, Secretary  
Board of Zoning Adjustment

January 20, 1975

Correction to BZA Order Number 11784 dated December 16, 1974

Please be advised that Finding of Fact No. 5, and the Board's Conditions numbered 2 and 3 in Order No. 11784 have been deleted. The appearance of these items in the Board's original Order were included in error, and the final date of the Order shall remain December 16, 1974.